IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1547 of 2000

Date of Decision: 14.12.2004

REVABHAI KALABHAI BHANGI HOUSE NO 23/57/93
Versus
STATE OF GUJARAT, THROUGH EXECUTIVE ENGINEER,

(for full cause title, see next sheet)

Coram:

The Hon'ble Mr.Justice Bhawani Singh, Chief Justice

The Hon'ble Mr.Justice H.K.Rathod, Judge

Whether approved for reporting?

Appearance:
1. Special Civil Application No. 1547 of 2000
MS ARCHANA C RAVAL for Petitioner No. 1-12
Mr. V.M. Pancholi, AGP for Respondent No. 1
MR KB PUJARA for Respondent No. 2
MS DR KACHHAVAH for Respondent No. 3

PER: BHAWANI SINGH, CHIEF JUSTICE (ORAL):-

Rule. Service of Rule is waived by Mr. Pancholi, learned AGP for Respondent NO.1, Mr. Pujara and Ms. Kachhavah, learned counsel for Respondents No.2 and 3 respectively. In the facts and circumstances of the case, the matter is taken up for final hearing today.

Whether reporters of Local Papers may be allowed to see the Judgment?

Petitioners are hutmen dwellers. They want supply of electricity from the Ahmedabad Electricity Co. ltd. However, it is not possible because the petitioners are not in a position to furnish NOC either from the Municipal Corporation, Ahmedabad or the authority on whose land the petitioners are residing. Executive Engineer cannot furnish the NOC because the petitioners are in unauthorized occupation of the land while the Municipal Corporation, Ahmedabad cannot do so since the land belongs to the Government. Result is, the petitioners, belonging to the lower strata of the society, necessary for building infrastructures essential for development of the country, are deprived of the basic necessity for life, in this case, electricity. They cannot build the houses because they cannot purchase the land being very costly, they generally move from place to place but the State must take care, at least by extending basic necessity of life. They will pay for electricity in case it is provided to them. Therefore, in these circumstances, we direct as under.

(i) Individual occupants of the huts will apply to the AEC Ltd. for supply of electricity to his hut.

(ii) After the application is received, in the absence of the NOC, AEC Ltd. will supply electricity to the hut temporarily within one month.

(iii) If, ever in future, the petitioners are evicted from the unauthorized possession of the land by the authorities, supply of electricity to them will also be stopped on communication received by the AEC Ltd. from the competent authority that the petitioners have been evicted from the premises in question.

Rule is made absolute accordingly. No order as to costs.

[BHAWANI SINGH]
CHIEF JUSTICE

[H.K.RATHOD]

JUDGE

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